



Virginia
Regulatory
Town Hall

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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

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| Agency name | Department of Education |
| Virginia Administrative Code (VAC) citation | 8 VAC 20-720-10 et seq. |
| Regulation title | Regulations Governing Fees and Charges |
| Action title | Addition of regulation section to proposed consolidated regulations |
| Date this document prepared | July 10, 2008 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The Board of Education's *Rules Governing Fees and Charges*, 8 VAC 20-370-10, were adopted on or before September 1, 1980 and have never been amended. These regulations are out of date and in need of revision. The purpose of this proposal is to repeal the current regulations governing fees and charges and create a new regulation that will be added as a section to the new consolidated *Regulations Governing Local School Boards and School Divisions*, 8 VAC 20-720-10 et seq., that are being proposed. The current regulations governing fees and charges would be repealed simultaneously with the adoption of the new consolidated regulation.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 22.1-16 of the Code of Virginia provides that "The Board of Education may adopt bylaws for its own governance and promulgate such regulations as may be necessary to carry out its powers and

duties and the provisions of this title.” Additionally, § 22.1-6 of the Code of Virginia, limits the fees that may be charged to those that are permitted by state law or Board of Education regulations.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

While the Code of Virginia does not specifically require these regulations, it does limit the fees that may be charged to those that are permitted by state law or Board of Education regulations. Therefore, the Board of Education must adopt regulations in order to properly address the issue of what fees may or may not be charged by local school divisions.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

As noted above, this proposal is to promulgate a new regulation governing fees and charges to be added to consolidated regulations governing local school boards and school divisions and to simultaneously repeal the existing *Rules Governing Fees and Charges*, 8 VAC 20-370-10. The regulations will contain specific provisions regarding permissible fees, impermissible fees, policies for families that cannot afford the fees, and permissible and impermissible actions for the failure to pay the fees.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

The Code of Virginia limits the fees that may be charged to those that are permitted by state law or Board of Education regulations. Therefore, the Board of Education must have regulations governing the fees charged by Virginia’s public schools. Additionally, these regulations are necessary to ensure that fees are charged and collected appropriately.

Public participation

Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to Anne Wescott, Assistant Superintendent for Policy and Communications, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, (804) 225-2403, fax (804) 786-5389, e-mail policy@doe.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last day of the public comment period. A public hearing on the NOIRA will not be held.

Participatory approach

Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The agency is using the participatory approach in the development of the proposal.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulatory action is expected to have a positive impact on the institution of the family and family stability. The regulation will ensure that only appropriate fees are charged to families of students and that school divisions will have hardship policies for those families that cannot afford the fees.